

CASE NUMBER:15SN0632
APPLICANT: D. K. Walters Builder Inc.

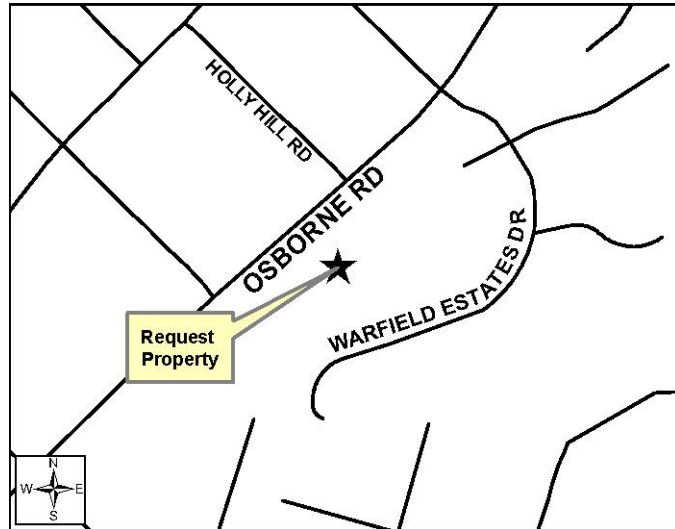


**STAFF'S ANALYSIS
AND
RECOMMENDATION**

Board of Supervisors (BOS)
Public Hearing Date:
 JULY 22, 2015
BOS Time Remaining:
 337 DAYS

Applicant's Contact:
 DAN WALTERS
 (804-641-7860)
Planning Department Case Manager:
 RYAN RAMSEY (804-768-7592)

CHESTERFIELD COUNTY, VIRGINIA
 Magisterial District: **BERMUDA**



APPLICANT'S REQUEST

Amendment of zoning (Case 06SN0158) to reduce cash proffers in a Residential (R-12) District.

A single-family residential subdivision has been recorded and partially completed. On June 30, 2015, the applicant submitted a revised proffer requesting that the maximum cash proffer reduction change from \$15,600 per lot to \$18,966 per lot (Attachment 1, Proffered Condition 1).

(NOTES: A. Conditions may be imposed or the property owner may proffer conditions.
 B. A proffered condition is located in Attachment 1.)

Notes:

- A. Conditions may be imposed or the property owner may proffer conditions.
- B. A Proffered condition is located in Attachment 1.

RECOMMENDATION

PLANNING
COMMISSION
(5/19/15)

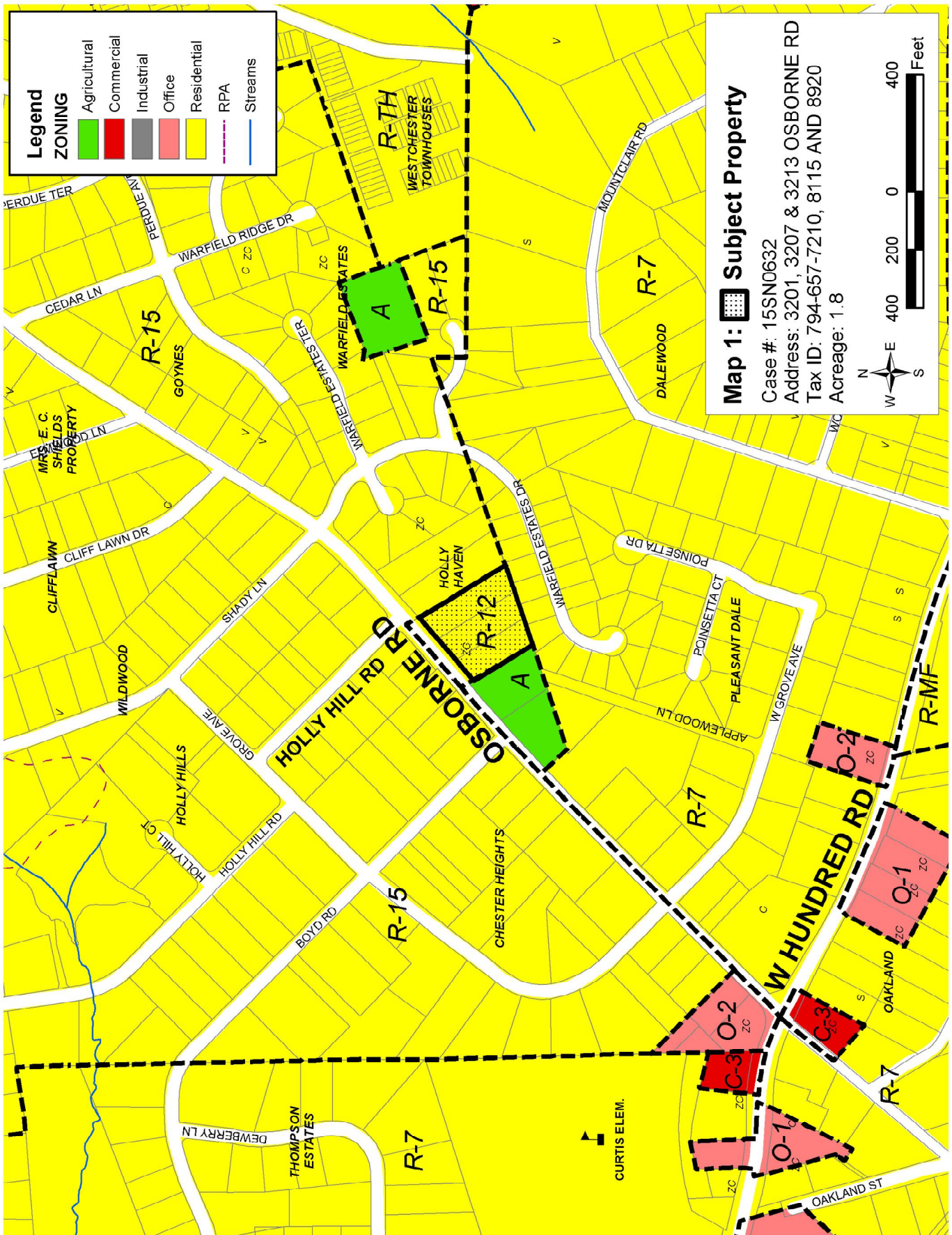
RECOMMEND APPROVAL

- Scope of cash proffer reduction is minimal, given the size of the applicant's development
- Proffered conditions ensure quality building materials, design and house sizes

AYES: Waller, Brown, and Patton
NAYS: Gulley and Wallin

RECOMMENDATION (CONTINUED)	
STAFF	<p>RECOMMEND APPROVAL</p> <ul style="list-style-type: none"> Request addresses impacts on capital facilities <p>(Staff Note: Revised proffers submitted on 6/30/2015 (Attachment 1, Proffered Condition 1) have changed staff's recommendation as previously presented to the Planning Commission on 5/19/15 and to the Board of Supervisors on 6/24/15.)</p>

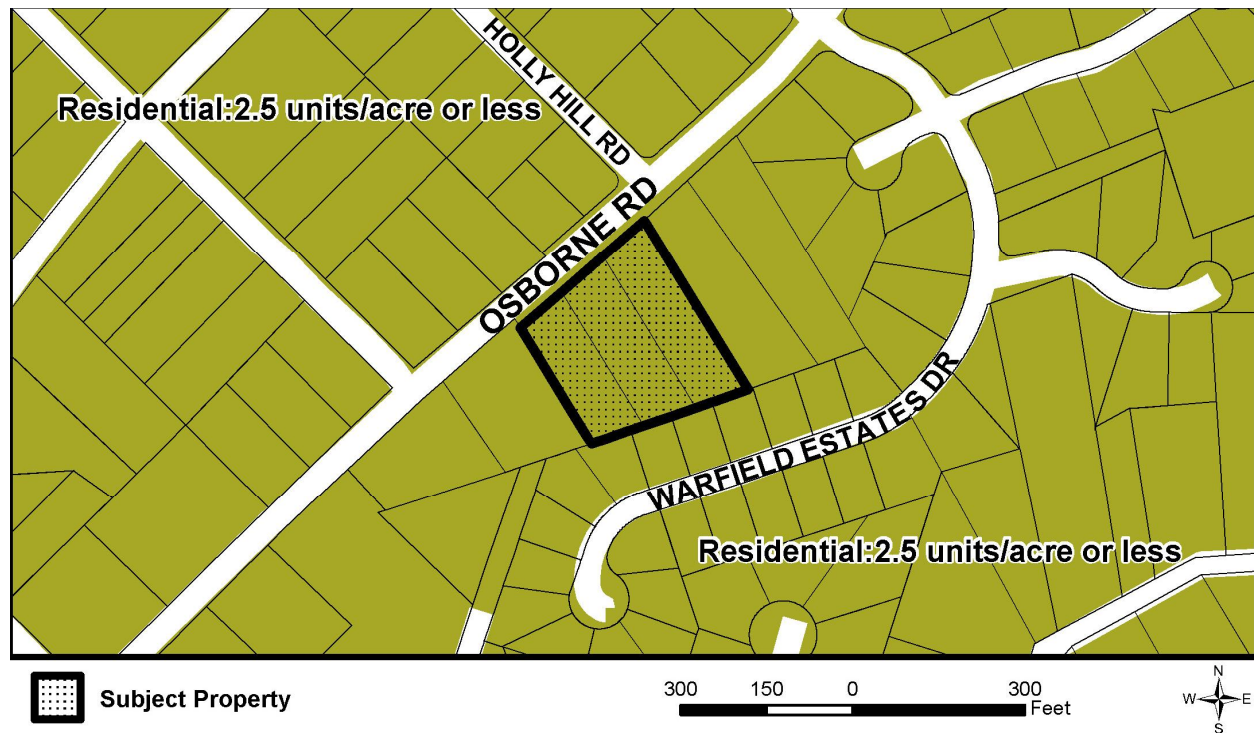
SUMMARY OF IDENTIFIED ISSUES	
Department	Issue
PLANNING	-
BUDGET AND MANAGEMENT	-
FIRE	-
PARKS AND RECREATION	-
LIBRARIES	-
SCHOOLS	-
CDOT	-
VDOT	-
UTILITIES	-
ENVIRONMENTAL ENGINEERING	-



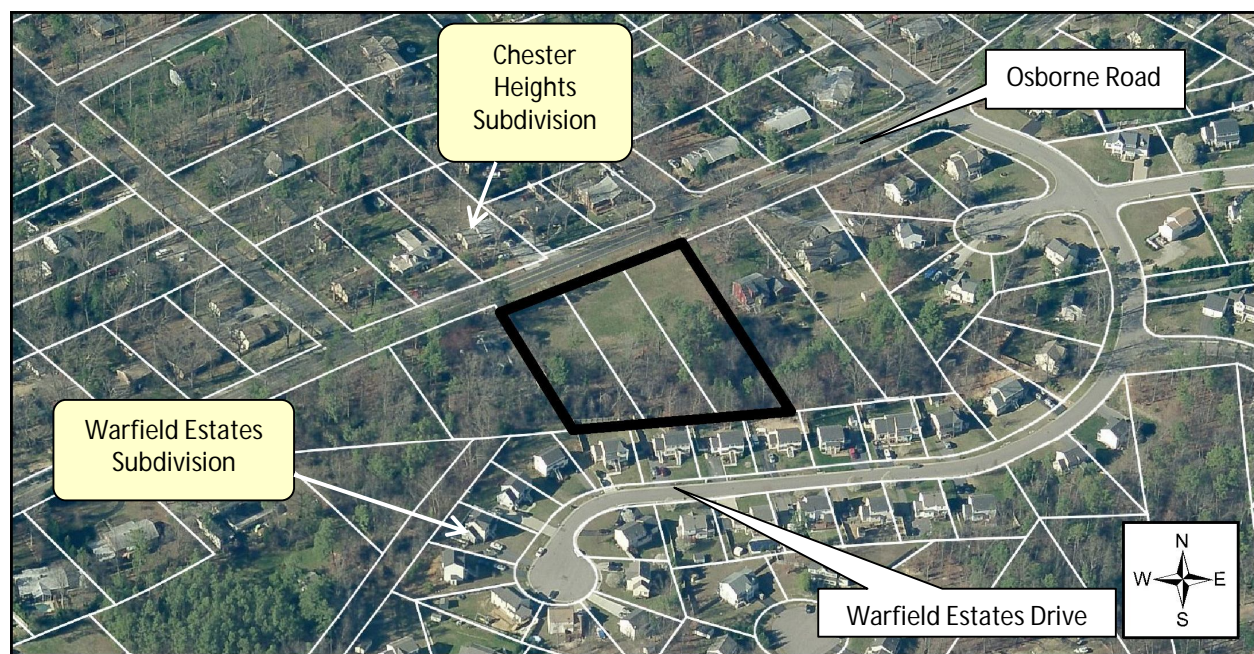
Map 2: Comprehensive Plan (The Chester Plan)

Classification: **RESIDENTIAL**

The designation suggests the property is appropriate for 2.5 dwellings per acre.



Map 3: Surrounding Land Uses & Development



PLANNING

Staff Contact: Ryan Ramsey (804-768-7592) ramseyrp@chesterfield.gov

ZONING HISTORY

Case Number	BOS Action	Request
06SN0158	Approved (02/22/2006)	Rezoning from A to R-12 of 2.0 acres to permit the development of three (3) single-family residential lots.

PROPOSAL

A single-family residential subdivision, known as Holly Haven, has been recorded and partially developed. The subdivision consists of three (3) undeveloped subdivision lots.

CHANGES TO CASH PROFFER REQUEST

The applicant originally requested to reduce the currently escalated cash proffer of \$22,245 back to the amount originally approved by the Board of Supervisors, \$15,600. On May 19, 2015, the applicant submitted revised proffers in response to concerns expressed by the Bermuda District Commissioner relative to house size, building materials and design relative to the original cash proffer reduction to \$15,600 per lot (Attachment 2, Proffered Conditions 2-6).

On June 30, 2015, a full cash proffer payment was offered in accordance with the County's Cash Proffer Policy. Consequently, the applicant removed the proffers relative to house size, building materials and design (Attachment 1, Proffered Condition 1).

FINANCIAL IMPACT ON CAPITAL FACILITIES

Budget and Management

Staff Contact: Natalie Spillman (804-717-8767) spillmann@chesterfield.gov

The need for schools, parks, libraries, fire stations and transportation facilities in this area is identified in the County's adopted Public Facilities Plan, Thoroughfare Plan and Adopted Capital Improvement Program and further detailed by specific departments in the applicable sections of this request analysis.

This proposed development will have an impact on capital facilities. Staff has calculated the fiscal impact of every new dwelling unit on schools, roads, parks, libraries and fire stations at \$21,261 per unit.

The original zoning case 06SN0158 was previously approved for three lots with a cash proffer of \$15,600 (currently escalated to \$22,245) (Attachment 4). The applicant has requested to reduce the previously approved cash proffers of \$15,600 (currently escalated to \$22,245) to the current maximum of \$18,966 per unit. These cash proffers would defray the cost of the capital facilities necessitated by this proposed development.

The current Cash Proffer Policy allows the County to assess the impact of all dwelling units in previously approved zoning cases that come back before the Planning Commission and Board of Supervisors using the calculated capital facility costs in effect at the time the case is reconsidered. If accepted, the amended cash proffer would remain at \$18,966 for a period of four years after which it would be escalated by the cumulative change in the Marshall and Swift Building Cost Index, a provision recently adopted by the Board of Supervisors.

While appropriate to maintain the cash proffer of \$15,600 (currently escalated to \$22,245) approved with case 06SN0158, the Board of Supervisors has set the current maximum cash proffer at \$18,966, an amount lower than the escalated cash proffer amount as approved with the original case.

Note that circumstances relevant to this case, as presented by the applicant, have been reviewed, and it has been determined that it is appropriate to accept the maximum cash proffer of \$18,966 for each dwelling unit.

Per Dwelling Unit Impact on Capital Facilities			
			3
			Potential Units
Facility Categories	FY15 Calculated Impact	Cash Proffer on Existing Zoning	Applicant's Proposal (Current BOS Maximum)
Total	\$21,261	\$22,245	\$18,966

Overall Impact on Capital Facilities			
Schools	\$28,128	\$29,961	\$25,092
Parks	\$3,981	\$4,056	\$3,552
Libraries	\$1,020	\$1,200	\$909
Fire Stations	\$2,358	\$1,962	\$2,103
Roads	\$28,296	\$30,642	\$25,242
Total	\$63,783	\$67,821	\$56,898

*Based on the number of lots per Proffered Condition 6 of case 06SN0158. The actual number of lots and corresponding impact may vary.

PUBLIC FACILITIES

FIRE SERVICE

Staff Contact: Greg Smith (804-706-2012) smithgd@chesterfield.gov

The mission of Fire and Emergency Medical Services (EMS) is to protect life, property and the environment through a comprehensive fire and life safety program that ensures an adequate and timely response to emergencies. The Public Facilities Plan, as part of the Comprehensive Plan, indicates:

County-wide Fire & EMS Service Information & Needs		
Recommendations for Fire Stations by 2022	New	5
	Replacement/Revitalization	4
2011 Incidents as a percent of total ¹	Fire	24%
	EMS (Emergency Medical Services)	76%
Fire/EMS Increases in Call Volume from 2001 and 2011	44%	
County Population Increase from 2001 to 2011	17%	

¹ With the aging of population, medical emergency incidents are expected to increase faster than the rate of population growth over time.

Fire Service - Project Impacts	
Estimated Number of Calls for Service Annually	1
Applicant's Proposal to Address Impacts ¹	Offered in Accordance with Policy <i>Proffered Condition</i>

¹ The financial impact of residential development on fire facilities is addressed in the "Financial Impact on Capital Facilities" section of the report.

Additional Information:

When the property is developed, the number of hydrants, quantity of water needed for fire protection, and access requirements will be evaluated during the plans review process. Information relative to nearby fire and emergency service facilities can be found in Attachment 3.

PARKS AND RECREATION

Staff Contact: Brian Geouge (804-318-8720) geougeb@chesterfield.gov

The County supports a high-quality park system to provide residents and visitors with equitable access to active and passive recreation opportunities. The Public Facilities Plan, as part of the Comprehensive Plan, indicates:

County-wide Parks and Recreation Needs		
Park Type	Number of New Parks	Aggregate Acreage
Regional	3	600
Community	10	790
Neighborhood	9	180
Special Purpose	3 ¹	-
Urban ²	-	-
Linear ³	-	-

¹ The Public Facilities Plan notes facility recommendations for water-based parks. All other facilities are acquired and developed on a site-by-site basis.

² Facilities are recommended in urban areas where there is limited acreage available for park development.

³ Facility needs are assessed on a site-by-site basis as recommended in the Public Facilities Plan.

Parks and Recreation – Project Impacts	
2012 County Level of Service	5.9 Acres of Regional, Community and/or Neighborhood parkland per 1,000 persons
Target Level of Service	9 Acres of Regional, Community and/or Neighborhood parkland per 1,000 persons
Applicant's Proposal to Address Impacts ¹	Offered in Accordance with Policy <i>Proffered Condition</i>

¹ The financial impact of residential development on parks facilities is addressed in the "Financial Impact on Capital Facilities" section of the report.

Additional Information:

Information relative to nearby parks and recreation facilities can be found in Attachment 3.

LIBRARIES

Staff Contact: Debra Winecoff (804-751-4475) winecoffd@chesterfield.gov

The public library system's role in the county has expanded beyond its traditional function as a resource for information and materials, and now serves as a community gathering place for educational, cultural and informational services; community support during emergencies; economic development; and revitalization activities. The Public Facilities Plan, as part of the Comprehensive Plan, indicates:

County-wide Library Needs	
Facility Action	County-wide Facility Needs
Expand or Replace	5 Libraries
Construction of New Facilities	<ul style="list-style-type: none">• 5 Libraries• 1 Community Arts Center

Libraries - Project Impacts	
2011 County Level of Service	0.45 square feet of library space per person
Standard Level of Service	0.82 square feet of library space per person
Applicant's Proposal to Address Impacts ¹	Offered in Accordance with Policy <i>Proffered Condition</i>

¹ The financial impact of residential development on library facilities is addressed in the "Financial Impact on Capital Facilities" section of the report.

Additional Library Information:

Information relative to nearby library facilities can be found in Attachment 3.

SCHOOLS

Staff Contact: Atonja Allen (804-318-8740) atonja_allen@ccpsnet.net

High performing, high quality public schools contribute to the quality of life and economic vitality of the County. The Comprehensive Plan suggests a greater focus should be placed on linking schools with communities by providing greater access, flexible designs and locations that better meet the needs of the communities in which they are located. The Public Facilities Plan, as part of the Comprehensive Plan, indicates:

County-wide School Needs		
School Types	Facilities to Revitalize/Replace	New Facilities
Elementary	16	3
Middle	6	2
High	2	3
Technical	-	1

Schools - Project Impacts		
Average Student Yield	Elementary	1
	Middle	0
	High	0
	Total	1
Applicant's Proposal to Address Impacts ¹	Offered in Accordance with Policy <i>Proffered Condition</i>	

¹ The financial impact of residential development on school facilities is addressed in the "Financial Impact on Capital Facilities" section of the report.

Additional Information:

After review of this request, based on current school assignments and student enrollment the proposed rezoning case will have an impact on schools. It is possible that over time this case, combined with other tentative residential developments and other zoning cases in the area will continue to push these schools to their capacity and therefore impact the capacity of facilities division-wide.

Information relative to schools currently serving area can be found in Attachment 3.

COUNTY DEPARTMENT OF TRANSPORTATION

Staff Contact: Jim Banks (804-748-1037) banksj@chesterfield.gov

The Comprehensive Plan, which includes the Thoroughfare Plan, identifies county-wide transportation needs that are expected to mitigate traffic impacts of future growth. The anticipated traffic impact of the proposal has been evaluated and recommendations are detailed in the chart below:

Recommendation	Applicant's Proposal
Cash Proffer Policy	Offered in Accordance with Policy <i>Proffered Condition</i>

VIRGINIA DEPARTMENT OF TRANSPORTATION

Staff Contact: Brian Lokker (804-674-2384) brian.lokker@vdot.virginia.gov

VDOT Land Use Regulations

Traffic Impact Analysis (24VAC30-155)	-
Access Management (24VAC30-73)	-
Subdivision Street Acceptance (24VAC30-91/92)	-
Land Use Permit (24VAC30-151)	-
Summary	VDOT has no comment on this request.

WATER AND WASTEWATER SYSTEMS

Staff Contact: Jamie Bland (804-751-4439) blandj@chesterfield.gov

The proposal's impacts on the County's utility system are detailed in the chart below:

Water and Wastewater Systems			
	Currently Serviced?	Size of Existing Line	Connection Required by County Code?
Water	Yes	8"	Yes
Wastewater	Yes	8"	Yes

Parcels 794-657-7210 and 794-657-8115 are not connected to public water and wastewater, but are proffered to connect with Case 06SN0158. Parcel 794-657-8920 is currently connected to public water and wastewater.

ENVIRONMENTAL

Drainage, Erosion and Water Quality

Staff Contact: Doug Pritchard (804-748-1028) pritchardd@chesterfield.gov

Environmental Engineering has no comment on this request.

CASE HISTORY	
Applicant Submittals	
3/2/15	Application submitted
4/20/15	Proffered conditions were submitted
5/19/15	Revised proffered conditions were submitted
6/30/15	Revised proffered conditions were submitted <ul style="list-style-type: none"> Full cash proffer offered in accordance with Cash Proffer Policy
Planning Commission Meeting	
5/19/15	<p>Citizen Comments</p> <p>Citizens spoke in support and opposition of the applicant's request:</p> <ul style="list-style-type: none"> Proffer reductions are beneficial for infill development Marshall and Swift Building Code Index is not an appropriate inflation mechanism for the cash proffer escalation Reduction of cash proffer below the Board's maximum cash proffer should not be approved, Need to apply the Cash Proffer Policy equally to all applicants <p>Commission Discussion</p> <p>The Commission noted their support for this case:</p> <ul style="list-style-type: none"> The exception to the Board's maximum cash proffer is relatively small scale considering the size applicant's subdivision (3 lots) Continues to offer the original cash proffer amount as proffered in 2006 Proffered conditions improve the original case and require that a quality house is constructed on the lots <p>In addition, the Commission noted opposition for this case, including:</p> <ul style="list-style-type: none"> Property is not located in a revitalization area Difficult to prove that a hardship exists Cash Proffer Policy does not provide the flexibility for reducing cash proffers for the applicant's request <p>Recommendation – APPROVAL AND ACCEPTANCE OF THE PROFFERED CONDITIONS IN ATTACHMENT 2</p> <p>Motion: Patton; Seconded: Waller AYES: Waller, Brown, and Patton NAYS: Gulley and Wallin</p>

CASE HISTORY (CONTINUED)	
Board of Supervisors Meeting	
6/24/15	<p>Citizen Comments</p> <p>Citizens spoke in opposition of the applicant's request:</p> <ul style="list-style-type: none"> • Do not support a reduction of cash proffer below the Board's maximum cash proffer amount • Application of Cash Proffer Policy should be equal for all applicants <p>Board Discussion</p> <p>The Board noted their desire to defer this case to allow time for the applicant to modify the cash proffer request to be in accordance with the current maximum cash proffer payment.</p> <p>Action - DEFERRED TO JULY 22, 2015</p>
The Board of Supervisors on Wednesday, July 22, 2015, beginning at 6:30 p.m., will consider this request.	

PROFFERED CONDITION

Notes:

- | |
|---|
| <ul style="list-style-type: none"> A. "STAFF" – Recommended by Staff only B. On June 30, 2015, the applicant withdrew the proffered conditions in Attachment 2 and submitted the proffered condition in Attachment 1. The proffered conditions considered by the Planning Commission on May 19, 2015 are located in Attachment 2. |
|---|

With the approval of this case, Proffered Condition 5 of Case 06SN0158 shall be amended as follows:

- (STAFF)
1. Cash Proffers: For each dwelling unit, the applicant, sub-divider, or assignee(s) shall pay the following to the County of Chesterfield, prior to the issuance of a building permit for infrastructure improvements within the cash proffer service district for the property, unless state law prevents enforcement of that timing:
 - a. \$18,966 per dwelling unit for the period beginning the July 1 preceding the Board of Supervisors' approval of the case through July 1 four years later, at which point the amount will be adjusted for the cumulate change in the Marshall and Swift Building Cost index during that time period.
 - b. Thereafter, the per dwelling unit cash proffer amount shall be automatically adjusted, annually, by the annual change in the Marshall and Swift Building Cost Index on July 1 of each year.
 - c. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law. (B&M)

(STAFF NOTE: Except as amended herein, all previous conditions of zoning approved in Case 06SN0158 shall remain in full force and effect.)

**PLANNING COMMISSION PROFFERED CONDITIONS
(WITHDRAWN)**

Notes:

- A. "CPC" – Recommended by the Planning Commission only
- B. On June 30, 2015, the applicant withdrew these proffered conditions and submitted the proffered condition in Attachment 1.

With the approval of this case, Proffered Condition 5 of Case 06SN0158 shall be amended as follows:

- (CPC) 1. Cash Proffers: For each dwelling unit, the applicant, sub-divider, or assignee(s) shall pay the following to the County of Chesterfield, prior to the issuance of a building permit for infrastructure improvements within the cash proffer service district for the property, unless state law prevents enforcement of that timing:

- d. \$15,600 per dwelling unit for the period beginning the July 1 preceding the Board of Supervisors' approval of the case through July 1 four years later, at which point the amount will be adjusted for the cumulate change in the Marshall and Swift Building Cost index during that time period.
- e. Thereafter, the per dwelling unit cash proffer amount shall be automatically adjusted, annually, by the annual change in the Marshall and Swift Building Cost Index on July 1 of each year.
- f. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law. (B&M)

(STAFF NOTE: Except as amended herein, all previous conditions of zoning approved in Case 06SN0158 shall remain in full force and effect.)

- (CPC) 2. Foundations: The exposed portion of any foundation shall be brick or stone. (P)

- (CPC) 3. Exterior Facades: Acceptable siding materials include brick, stone, masonry, stucco, synthetic stucco (E.I.F.S), and lap siding. Lap siding may be permitted to be manufactured from natural wood or cement fiber board or may be premium quality vinyl siding. Plywood and metal siding are not permitted. Additional siding requirements:

- a. Premium quality vinyl is defined as vinyl siding with a minimum wall thickness of .040".

- b. Synthetic Stucco (E.I.F.S.) siding shall be finished in smooth, sand or level texture. Rough textures are not permitted. (P)
- (CPC) 4. Roof Material: Roofing material shall be dimensional architectural shingles or better with a minimum thirty (30) year warranty. (P)
- (CPC) 5. Porches, Stoops and Decks
 - a. Front Porches: All front entry stoops and front porches shall be constructed with continuous masonry foundation wall or on 12"x12" masonry piers. Extended front porches shall be a minimum of five (5)' deep. Space between piers under porches shall be enclosed with framed lattice panels. Handrails and railings shall be finished painted wood or metal railing with vertical pickets or sawn balusters. Pickets shall be supported on top and bottom rails that span between columns.
 - b. Front Porch Flooring: Porch flooring shall be permitted to be concrete, exposed aggregate concrete, or a finished paving material such as stone, tile or brick, finished (stained dark) wood, or properly trimmed composite decking boards. All front steps shall be masonry to match the foundation or finished wood with painted risers. (P)
- (CPC) 6. Minimum House Size. The minimum gross floor area shall be 1,600 square feet for a one-story dwelling unit or 1,800 square feet for a dwelling unit greater than one-story. (P)

SUPPLEMENTAL PUBLIC FACILITIES STATISTICS										
Schools Currently Serving Area										
		Curtis Elementary School			Elizabeth Davis Middle School			Thomas Dale High School		
Current and Projected Figures ²	Capacity Categories	Membership	Functional Capacity	% Capacity	Membership	Functional Capacity	% Capacity	Membership	Functional Capacity	% Capacity
	2014	727	881	83	1243	1284	97	2239	2824	79
	2015	735	-	83	1289	-	100	2213	-	78
	2016	750	-	85	1343	-	105	2189	-	78
	2021	797	-	90	1339	-	104	2342	-	83
Trailers	Number of Trailers ¹	0			2			-		
¹ Trailers are not identified in the staff report for schools under 90% capacity.										
² Disclaimer: Please note that Projected Membership AND Functional Capacity are updated on an ANNUAL BASIS. They are based on the September 30 membership and Space Utilization Study Report for a given year . School boundary adjustments may be made to address over capacity levels.										

Nearby Public Facilities	
Fire Station	The Dutch Gap Fire Station, Company Number 14
EMS Facility	The Bensley-Bermuda Volunteer Rescue Squad
Library	Chester Library
Parks & Recreation	Chester Linear Park, Goyne Park, Dutch Gap Conservation Area

APPROVED CONDITIONS FOR CASE 06SN0158

06SN0158

In Bermuda Magisterial District, D. K. WALTERS BUILDERS, INC. requests rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for residential use of 2.5 dwellings per acre or less. This request lies on 2.0 acres fronting approximately 280 feet on the east line of Osborne Road approximately 430 feet south of Warfield Estates Drive. Tax ID 794-657-8017 (Sheet 26).

Mr. Turner presented a summary of Case 06SN0158 and stated the Planning Commission and staff recommended approval and acceptance of the proffered conditions.

Mr. Dean Hawkins, representing the applicant, stated the recommendation is acceptable.

Mr. King called for public comment.

No one came forward to speak to the request.

On motion of Mr. King, seconded by Mr. Miller, the Board approved Case 06SN0158 and accepted the following proffered conditions:

1. Except for timbering approved by the Virginia Division of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a Land Disturbance Permit has been obtained from the Department of Environmental Engineering and the approved devices have been installed. (EE)
2. In conjunction with recordation of the initial subdivision plat or within sixty (60) days from a written request by the Transportation Department, whichever occurs first, thirty-five (35) feet of right-of-way on the south side of Osborne Road, measured from the centerline of that part of Osborne Road immediately adjacent to the Property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
3. In conjunction with development of the initial subdivision section, the ditch on the south side of Osborne Road shall be relocated to provide an adequate shoulder, as determined by the Transportation Department, for the entire property frontage. The developer shall dedicate to Chesterfield County, free and unrestricted, any additional right-of-way (or easements) required for this improvement. (T)
4. The public water and wastewater systems shall be used. (U)
5. The applicant, subdivider or assignee(s) shall pay the following to the County of Chesterfield prior to the issuance of a building permit for infrastructure improvements within the service district for the property:

- a. \$15,600 per dwelling unit, if paid prior to July 1, 2006; or
- b. The amount approved by the Board of Supervisors not to exceed \$15,600 per dwelling unit adjusted upward by any increase in the Marshall Swift Building Cost Index between July 1, 2005 and July 1 of the fiscal year in which the payment is made after June 30, 2006.
- c. Cash proffers shall be spent for the purposes proffered or as otherwise permitted by law. (B&M)

- 6. A maximum of three (3) residential lots shall be created within the area of this request. (F)

Ayes: King, Miller, Barber, Humphrey and Warren.
Nays: None.

06-138

02/22/06